

DRAFT

SUMMARY

Allows additional weight for purpose of State School Fund distributions for students in drug or alcohol treatment programs that meet certain requirements.

Declares emergency, effective July 1, 2019.

A BILL FOR AN ACT

Relating to additional weights through State School Fund for students receiving treatment; creating new provisions; amending ORS 286A.801, 327.013 and 338.157; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 327.013 is amended to read:

327.013. The State School Fund distributions for school districts include the following grants:

(1) General Purpose Grant = Funding Percentage × Target Grant × District extended ADMw. For the purpose of the calculation made under this subsection:

(a) The funding percentage shall be calculated by the Superintendent of Public Instruction to distribute as nearly as practicable the total sum of money available for distribution.

(b) Target Grant = Statewide Target per ADMw Grant + Teacher Experience Factor. For the purpose of the calculation made under this paragraph:

(A) Statewide Target per ADMw Grant = \$4,500.

(B) Teacher Experience Factor = \$25 × {District average teacher experience – statewide average teacher experience}. As used in this subpara-

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 graph, "average teacher experience" means the average, in years, of teaching
2 experience of licensed teachers as reported to the Department of Education.

3 (c) District extended ADMw = ADMw or ADMw of the prior year,
4 whichever is greater. The calculation of the district extended ADMw must
5 be made as provided by ORS 338.155 if a public charter school is located in
6 the school district. For the purpose of this paragraph:

7 (A) Weighted average daily membership or ADMw = average daily
8 membership + an additional amount computed as follows:

9 (i) 1.0 for each student in average daily membership eligible for special
10 education as a child with a disability under ORS 343.035, which may not
11 exceed 11 percent of the district's ADM without review and approval by the
12 Department of Education. Children with disabilities eligible for special ed-
13 ucation in adult local correctional facilities, as defined in ORS 169.005, or
14 adult regional correctional facilities, as defined in ORS 169.620, may not be
15 included in the calculation made under this sub-subparagraph.

16 (ii) 0.5 for each student in average daily membership eligible for and en-
17 rolled in an English language learner program under ORS 336.079.

18 (iii) 0.2 for each student in average daily membership enrolled in a union
19 high school district or in an area of a unified school district where the dis-
20 trict is only responsible for educating students in grades 9 through 12 in that
21 area.

22 (iv) -0.1 for each student in average daily membership enrolled in an
23 elementary district operating kindergarten through grade six or kindergarten
24 through grade eight or in an area of a unified school district where the dis-
25 trict is only responsible for educating students in kindergarten through
26 grade eight.

27 **(v) 1.0 for each student in average daily membership who is receiv-**
28 **ing treatment at a public school for drug or alcohol addiction during**
29 **the school year or who, in the school year after the student receives**
30 **treatment, has access at a public school to drug or alcohol recovery**
31 **services if:**

1 (I) The treatment program and recovery services are available to
2 the student by a provider that has a contract with the school district;
3 or

4 (II) The public school provides treatment programs and recovery
5 services as part of the academic program of the school.

6 [(v)] (vi) 0.25 times the sum of the following:

7 (I) The number of students who are in average daily membership and who
8 are also in poverty families, as determined by the Department of Education
9 based on rules adopted by the State Board of Education that incorporate
10 poverty data published by the United States Census Bureau, student data
11 provided by school districts and other data identified by the board;

12 (II) The number of children in foster homes in the district as determined
13 by the report of the Department of Human Services to the United States
14 Department of Education, "Annual Statistical Report on Children in Foster
15 Homes and Children in Families Receiving AFDC Payments in Excess of the
16 Poverty Income Level," or its successor, for October 31 of the year prior to
17 the year of distribution; and

18 (III) The number of children in the district in state-recognized facilities
19 for neglected and delinquent children, based on information from the De-
20 partment of Human Services for October 31 of the year prior to the year of
21 distribution.

22 [(vi)] (vii) The amount determined under ORS 327.077 for each remote
23 small elementary school and for each small high school in the district.

24 (B) All numbers of children used for the computation in this paragraph
25 must reflect any district consolidations that have occurred since the numbers
26 were compiled.

27 (C) The total additional weight that shall be assigned to any student in
28 average daily membership in a district, exclusive of students described in
29 subparagraph [(A)(v) and (vi)] (A)(vi) and (vii) of this paragraph, may not
30 exceed 2.0.

31 (2) High cost disabilities grant = the total amount received by a school

1 district under ORS 327.348 for providing special education and related ser-
2 vices to resident pupils with disabilities.

3 (3)(a) Transportation grant equals:

4 (A) 70 percent of approved transportation costs for those school districts
5 ranked below the 80th percentile under paragraph (b) of this subsection.

6 (B) 80 percent of approved transportation costs for those school districts
7 ranked in or above the 80th percentile but below the 90th percentile under
8 paragraph (b) of this subsection.

9 (C) 90 percent of approved transportation costs for those school districts
10 ranked in or above the 90th percentile under paragraph (b) of this subsection.

11 (b) Each fiscal year, the Department of Education shall rank school dis-
12 tricts based on the approved transportation costs per ADM of each school
13 district, ranking the school district with the highest approved transportation
14 costs per ADM at the top of the order.

15 (4)(a) Facility Grant = 8 percent of total construction costs of new school
16 buildings.

17 (b) A school district shall receive a Facility Grant in the distribution year
18 that a new school building is first used.

19 (c) As used in this subsection:

20 (A) "New school building" includes new school buildings, structures
21 added onto existing school buildings and premanufactured structures added
22 to a school district if those buildings or structures are to be used for in-
23 structuring students.

24 (B) "Construction costs" does not include costs for land acquisition.

25 **SECTION 2. The amendments to ORS 327.013 by section 1 of this**
26 **2019 Act apply to State School Fund distributions commencing with**
27 **the 2019-2020 distributions.**

28 **SECTION 3. ORS 286A.801 is amended to read:**

29 286A.801. (1) The Department of Education shall administer a grant pro-
30 gram that is financed with the net proceeds of Article XI-P bonds and that
31 provides matching fund grants to school districts for capital costs of the

1 school districts. Any construction, improvement, remodel, equipment, main-
2 tenance or repair of a building of a school district that is financed with a
3 grant received under this section is not required to meet the standards
4 specified in ORS 286A.810.

5 (2) A school district that seeks a grant under this section must prepare
6 and submit a facilities assessment and a long-range facilities plan to the
7 department with the application for the grant.

8 (3) A school district is eligible to receive a grant under this section if:

9 (a) The school district complies with the requirements of this section and
10 rules adopted pursuant to this section; and

11 (b) Moneys are available to the school district pursuant to subsection (6)
12 of this section.

13 (4) A school district that receives a grant under this section must provide
14 matching funds that meet or exceed the amount of the grant. The matching
15 funds must be from general obligation bonds approved by the voters of the
16 school district to finance capital costs of the school district.

17 (5) Grants awarded under this section shall be calculated as follows:

18 (a) For a school district that provides matching funds in any amount up
19 to \$4 million, a matching ratio for state to local funds of one to one.

20 (b) For a school district that provides matching funds in any amount
21 greater than \$4 million, a matching ratio for state to local funds that is
22 based on the funding formula developed as provided in subsection (7)(c) of
23 this section. Grants awarded under this paragraph shall be for a minimum
24 of \$4 million per grant and a maximum of \$8 million per grant.

25 (6)(a) The department shall award grants to school districts as follows:

26 (A) Sixty percent of funds available for grants shall be based on the pri-
27 ority list established under subsection (7)(b) of this section; and

28 (B) Forty percent of funds available for grants shall be provided to school
29 districts based on the order in which the Department of Education receives
30 the completed applications for the grants.

31 (b) To the extent that moneys are available, a school district that receives

1 moneys as provided by paragraph (a)(A) of this subsection also may receive
2 moneys as provided by paragraph (a)(B) of this subsection. The total amount
3 the school district receives may not exceed the maximum amount allowed
4 under subsection (5) of this section.

5 (7)(a) For the purpose of awarding grants under this section, the depart-
6 ment shall develop a priority list and a funding formula that are based on:

7 (A) The total assessed value of all tangible property located in the school
8 district;

9 (B) The percentage of poverty families within the school district, as cal-
10 culated under ORS 327.013 [(1)(c)(A)(v)(I)] (1)(c)(A)(vi)(I); and

11 (C) The number of students in average daily membership for the school
12 district, as calculated under ORS 327.061.

13 (b) The priority list developed under this subsection shall be used to rank
14 the order in which school districts may qualify to receive a grant under
15 subsection (6)(a)(A) of this section.

16 (c) The funding formula developed under this subsection shall be used to
17 determine the matching ratio for state to local funds. The funding formula
18 must comply with the limits described in subsection (5) of this section.

19 (8) The State Board of Education may adopt any rules necessary for the
20 administration of this section.

21 **SECTION 4.** ORS 338.157 is amended to read:

22 338.157. For purposes of calculating the weighted average daily member-
23 ship (ADMw) of a public charter school, it shall be assumed that the public
24 charter school has the same percentage of children in poverty families, as
25 calculated under ORS 327.013 [(1)(c)(A)(v)(I)] (1)(c)(A)(vi)(I), as the school
26 district in which the public charter school is located. Based on this per-
27 centage, an additional amount shall be added to the average daily member-
28 ship (ADM) of the public charter school.

29 **SECTION 5.** **This 2019 Act being necessary for the immediate pres-**
30 **ervation of the public peace, health and safety, an emergency is de-**
31 **clared to exist, and this 2019 Act takes effect July 1, 2019.**

